IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 638 OF 2003

SHRI BHARAT TANDEL, PANAJI-GOA. ....Petitioners

Versus

STATE OF GOA AND 6 ORS., ...Respondents

MS. GAURI D.S. BHONSULE,

Coram:- A.M.KHANWILKAR &
P. V. HARDAS, JJ.

Date:- 17th December, 2003

P.C.:

Heard both sides. The limited relief claimed in this Writ Petition is to quash the process of selection of respondents 4 to 7 for the post of Sub-Officer pursuant to the Departmental examination. Two brief affidavits-in-reply in Writ Petition Nos. 637 and 638 of 2003 respectively have been filed on behalf of respondent no. 2 by one Dr. P.K.John, Director of Fire and Emergency Services. The affidavit clearly records that respondents 3 to 7 have been selected for departmental upgrading skills and not to the posts of Sub-Oficers as is claimed in the Writ Petitions. Thus, it is not necessary for us to go into any other question but, to only observe that the apprehension expressed by the

petitioner that respondents 3 to 7 have been selected for the post of Sub-Officer is misplaced.

2. There is another prayer claimed in this Writ Petition for setting aside the Circular, dated 3rd October 2003, at Page 44. Insofar as this Circular is concerned, it is placed on record on affidavit that it is only a proposal having no efficacy or would not create any right in favour of any employee. In that view of the matter no adjudication is warranted even on this relief.

3. In this petition Mr. Kantak contends that this petitioner was misled in view of the Memorandum, dated 14th March 2003, which provides that the candidates shall have to undergo the course privately at their own cost after obtaining necessary leave from the department, as admissible under the Rules, and also because it provided that the proposal was only for those candidates who are interested in career prospects in Fire Service outside the State. He submits that later on the Director, Fire and Emergency Services, by letter, dated 5th November 2003, had requested the Government to provide for the expenses to be incurred for the said training in respect of candidates participating in the selection process. He submits that, in view of the then Memorandum, the petitioner was misled

and did not participate in the training programme. We see no reason to accept this grievance made before us, inasmuch as the said proposal is in respect of upgrading skills and not for departmental promotion or test.The fact that the Government was spending for the training of the participants although it was initially represented that the candidates will have to undergo training at their own costs, cannot be the basis for quashing the selection of the candidates, which was done under the Circular, dated 14th March 2003. As rightly brought to our notice by the learned Advocate General, if at all the petitioner is interested in appearing for the departmental test, he may do so in the ensuing departmental test scheduled for 6th January 2004. That option is still open to the petitioner.

4. For the aforesaid reasons, we see no reason for interference in writ jurisdiciton.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.